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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,859	06/30/1999	THOMAS RUBAN	GR-98-P-2862	8410
24131	7590	08/05/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/343,859

Applicant(s)

RUBAN ET AL.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3-4,7-17,19-25,30,33 are rejected under 35 U.S.C. 102(e) as being anticipated by Voit et al. US 6,157,636.

Regarding claims 1, 4, 7, the claimed receiving a data packet by a network node in IP data network, assigning a first piece of information contained in packet to a second piece of information available relating to at least one of a user and services existing in the Internet Protocol data network is disclosed by Internet telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number. When queried with a called number, C1 returns IP address of gateway that serves called telephone number. The claimed determining, with the network node, a route for the data packet through network to destination address by determining at least one further network node through which the route passes based on second piece of information and passing packet to next network node on determined route to destination address, uniquely determining route from network node to defined node of available nodes is disclosed by when queried with a called number, C1 returns IP address of gateway that serves called telephone number.

Regarding claim 12, accessing a further network having a plurality of access points and destination address located in further network is disclosed by routing done over circuit switched network and packet switched network hop by hop. See column 5, lines 13-27.

Regarding claim 3, the claimed determining from first piece of information contained in data packet at least one detail of a desired transmission selected from group consisting of a user, a destination address, a service provider, a quality, costs and a security level is disclosed by Internet telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number. When queried with a called number, C1 returns IP address of gateway that serves called telephone number. See column 10, lines 45-62, column 13, lines 59-67, column 14, lines 45-51. Voit et al. also discloses least cost routing where it is determined which gateway selected will result in lowest cost call, cost rate, short or least expensive packet switched network route. See column 5, lines 13-27.

Regarding claims 7-12, the claimed changing a source address in the data packet with the network node on its way from source address to destination address and applying network translation is disclosed by packet bearing destination address leaving source router, router examines matrix table to determine minimum hops to get to destination and sends packet to next router based on information from table and procedure is repeated since each node has its database. See column 2, lines 41-53.

Regarding claim 13, the claimed providing an information service as destination address, the information service being accessible by user only after user is registered and providing further information services accessible to user at same time is disclosed by during set up of call,

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gateway will obtain identification and password information from caller and gateway communicates with database to authorize call and negotiate overall billing algorithm. See columns 5 and 6.

Regarding claim 14, the claimed encrypting packet is disclosed by encryption in call transaction between gateway call control objects. See column 6, lines 56-67, column 7, lines 1-3.

Regarding claim 15, the claimed providing details concerning a source address in a central database, the details including a basic state relating to usage authorization of services existing in IP network is disclosed by customer account management database where each Internet telephone subscriber will at least one billing and authorization account maintained. See column 5, lines 52-67.

Regarding claims 16-17, the claimed denying an unauthorized user a use of a service provided in IP network by sending a data packet of the unauthorized user to a specific entity in the network and generating an error with the specific entity is disclosed by object ensuring coordination between user authorization and usage recording for a user's customer account which is invoked during a call when an authorization request is relayed over the interface. A password and account number provided by PC user is to be authenticated and the available account balance is checked to allow call and if there are multiple connections currently in service, the authorization system ensures only one call per account is being handled to make sure maximum billing limit is not circumvented by multiple concurrent sessions. See column 10, lines 18-67, column 11, lines 1-12.

Regarding claims 19-20, the claimed charging a user and service provider based on at least one criterion selected from the group consisting of time, a volume, a number of accesses,

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services used, a type of data packets, and a transmission quality, the at least one criterion being collected as information in the network node during a routing is disclosed by database for logging billing information for an Internet telephone service subscriber. See column 1, lines 57-67, column 2, lines 1-25, column 5, lines 52-61,

Regarding claim 21, the network includes at least one of a communication network and a data network is disclosed by PSTN access network and IP network. See column 12, lines 1-16 and Figure 1B.

Regarding claims 22-24, 30, the claimed processor for receiving, processing and passing on data packets is disclosed by Internet Telephony Gateways (Figure 1B, element 118). See column 2. The claimed router operatively connected to processor for determining route for each of data packets, on basis of information gathered from data packets and stored supplemental information relating to at least one of user and services existing in IP network is disclosed by Internet routers (Figure 14, elements R) connected to Internet Telephony Gateways (elements 520, 522, 526) and Internet Telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number. The claimed supplemental information relating to at least one of a user and services existing in the Internet Protocol data network is disclosed by Internet Telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number.

The claimed first storage operative connected to processor for storing supplemental information relating to at least one of a user and services existing in IP network, the claimed mapper operatively connected to first storage and the claimed second storage operatively

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connected to said first storage for storing administrative information is disclosed by Internet Telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number and the Internet Telephony Authorization and Usage Recording Object (C3) with authorization, validation and billing databases. See column 10, lines 45-62, column 13, lines 59-67, column 14, lines 45-51.

Regarding claim 25, the claimed interface operatively connected to first storage configured to enable a user to modify supplemental information is disclosed by interface C3. I4 connected to Internet Telephony Authorization and Usage Recording Object C3. See column 10, lines 18-62.

Regarding claim 33, the claimed determining a source information from first piece of information from data packet, assigning source information to user, determining providers of switching services accessible to user, selecting from the services those which offer transport of data packet and determining further boundary parameters such as cost limits, minimum quality (page 10 of instant application) and picking services that can match boundary parameters and passing packet is disclosed by call being made and authorization is invoked using account number and password provided by user, determining authorization of call service based on limit of available account balance and placing call if billing limit is not exceeded. See column 6, lines 44-66, column 7, lines 4-11.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. in view of Dobbins U.S. Patent Number 6,147,995.

Regarding claims 5 and 6, Voit et al. discloses all the limitations of the claims except sending a data packet to a specific entity in the network and processing the data packet at the specific entity if the destination address contained in the data packet is incorrect (claim 5) or unknown (claim 6). Dobbins discloses a method including a connection database to send any unknown connections to a host agent. See Figure 3, element 85. Also see Figure 4-A, column 5, lines 8-28. The look-up engine (element 83, Figure 3), once a packet arrives, checks to see if the source address and destination address is located in the connection database (element 82 in Figure 3 and step 305 in Figure 4-A). If they are not found, the packet is given to a host agent (step 308 in Figure 4-A). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include in a packet routing method, the step of sending unknown packets to a specific entity such as a host agent. One of ordinary skill in the art would

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have been motivated to do this since this allows for the packet to be decoded to find the network protocol source and destination addresses so the information would not be lost. See column 5, lines 18-24.

5. Claims 18, 26-29, 31-32, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. in view of Liebowitz et al. US 5,757,784.

Regarding claims 26, 28-29, Voit et al. discloses all of the limitations of the claims except for helpdesk for offering a help option to user upon occurrence of error during access and for sending message about error and user interface communicating through suitable protocol. Liebowitz et al. discloses network management center and billing system with graphical user interface where user can subscribe to available bit rate service and user is not guaranteed any bandwidth on system since it will be based on availability and operator who can modify customer accounts for service order processing. See columns 17-18. At the time the invention was made it would have been obvious to include operator or helpdesk to offer option in case of error upon access. One of ordinary skill in the art would be motivated to do so to notify user of non-access and to allow for solution to error.

Regarding claims 18, 27, 31-32, 34-35, Voit et al. discloses all of the limitations except for the claimed helpdesk offers alternative service upon occurrence of error during access and providing a help desk for user to get authorized for unauthorized service without having to clear a connection. Liebowitz et al. discloses other services other than ABR provided such as CIR with a fixed data rate supplied at all times and EIR and operator can modify accounts for service order processing and to partition network as needed. See columns 17 and 18. At the time the

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invention was made it would have been obvious to modify Voit et al. to include offering alternative service upon occurrence of error during access as in Liebowitz et al. One of ordinary skill in the art would be motivated to do this for proper routing of communication using available resources.

Response to Arguments

6. Applicant's arguments filed 3/10/2005 have been fully considered but they are not persuasive. Examiner appreciates detailed description of prior art.

Applicant argues reference Voit et al. does not disclose claimed limitation of determining route for data packet through IP network to a destination address by determining at least one further network node which the route passes based on second piece of information. Examiner contends Voit et al. discloses Internet telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number. When queried with a called number, C1 returns IP address of gateway that serves called telephone number. Examiner believes this teaches determining at least one further network node which the route passes (the gateway serving the telephone number based on IP address for gateway found from telephone number lookup).

Applicant argues Voit et al. does not disclose step of passing data packet on route determined based on second piece of information relating to user or services existing in network. Examiner contends finding gateway which serves called telephone number is information related to Internet telephony service for destination telephone number.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163.

The examiner can normally be reached Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MJ



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PRIMARY EXAMINER